

IDAHO BOARD OF CHIROPRACTIC PHYSICIANS
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 2/20/2015

BOARD MEMBERS PRESENT: Mary Jo White, D.C. - Chair
Kathleen Joann McKay, D.C.
Michael Troy Henze, D.C.
Charles H. Coiner
John Downey, D.C.

BUREAU STAFF: Tana Cory, Bureau Chief
Maurie Ellsworth, Legal Counsel
Lori Peel, Investigative Unit Manager

OTHERS PRESENT: Ryan Fitzgerald, Chiropractic Association

The meeting was called to order at 1:00 PM MST by Mary Jo White, D.C.

APPROVAL OF MINUTES

Mr. Coiner made a motion to approve the minutes of January 30, 2015 with noted corrections. It was seconded by Dr. Henze. Motion carried.

EXECUTIVE SESSION

Dr. Henze made a motion that the Board enter executive session to discuss pending litigation with counsel per Idaho Code 67-2345(1)(f). The purpose of the executive session was to discuss the oral argument and proceedings in case CHI-2010-7. It was seconded by Dr. McKay. Motion carried. The vote was: Dr. McKay, aye; Dr. Downey, aye; Mr. Coiner, aye; Dr. Henze, aye; and Dr. White, aye. Motion carried.

Mr. Coiner made a motion to come out of executive session. It was seconded by Dr. McKay. The vote was: Dr. McKay, aye; Dr. Downey, aye; Mr. Coiner, aye; Dr. Henze, aye; and Dr. White, aye. Motion carried.

CASE CHI-2010-7

The Board reviewed disciplinary information from other jurisdictions.

The Board reviewed the Hearing Officer's Findings of Fact and Conclusions of Law on case CHI-2010-7.

COUNT 3 – Mr. Coiner moved that the Board accept the Hearing Officer's Recommendation. Dr. Downey seconded the motion. Motion carried.

COUNT 5 – Mr. Coiner moved that the Board accept the Hearing Officer's Recommendation. Dr. McKay seconded the motion. Motion carried.

COUNT 6 – Dr. Henze moved that the Board accept the Hearing Officer's Recommendation. Dr. Downey seconded the motion. Motion carried.

COUNT 8 – Dr. Downey moved to accept the Hearing Officer's Recommendation. Dr. Henze seconded the motion. Motion carried.

Ms. Peel presented a timeline on case CHI-2010-7 for the Board to review.

COUNT 9 – Mr. Coiner moved that the Board reluctantly accept the Hearing Officer's Recommendation. Dr. McKay seconded the motion. Motion carried.

COUNT 10 – Dr. Henze moved that the Board accept the Hearing Officer's Recommendation. Mr. Coiner seconded the motion. Motion carried.

COUNT 11 – Dr. Henze moved that the Board reluctantly accept the Hearing Officer's Recommendation. Dr. McKay seconded the motion. Motion carried. Dr. Henze stated that on this count, it is hard to justify 149 treatment visits within a 15-month time period.

COUNT 12 – Dr. McKay moved to accept the Hearing Officer's Recommendation. Dr. Henze seconded the motion. Motion carried.

COUNT 13 – Mr. Coiner moved that the Board accept the Hearing Officer's Recommendation. Dr. Downey seconded the motion. Motion carried.

COUNT 15 – Dr. Henze moved that the Board accept the Hearing Officer's Recommendation. Dr. McKay seconded the motion. Motion carried.

COUNT 17 - Withdrawn

It was moved by Dr. McKay that the Board impose the following discipline and authorize the Chair to sign the order:

1. \$5,000 fine
2. 35% of costs and fees including attorney fees
3. Passing the National Boards Part IV exam within 18 months
4. Passing the National Ethics and Boundaries Assessment Services (EBAS) Exam within 18 months
5. Suspension of license for 3 months
6. 6 hours of ethics and boundaries continuing education approved by the Board

7. 18 months' probation with spot check of records

It was seconded by Dr. Downey.

It was moved by Dr. Henze to amend the motion to require a 60 day suspension of license and 12 months' probation. It was seconded by Mr. Coiner. Motion carried. Dr. Downey voted nay.

It was moved by Mr. Coiner to amend the prior motion to amend to include passing the EBAS and NBCE Part IV exams within 18 months and to include that failure to pass the exams within 18 months will add additional time to the suspension of the license.

Mr. Coiner withdrew the second amended motion.

It was moved by Mr. Coiner to amend the original motion as amended to require that all the items in the original motion as amended must be completed within 18 months or the license will be suspended until all items are completed. It was seconded by Dr. McKay. Motion approved.

Original motion as amended approved.

NEXT MEETING

The Board scheduled a conference call for Friday March 13, 2015 at 1:00 PM MDT and a regular Board meeting for May 1, 2015 at 1:00 PM MDT.

ADJOURNMENT

Dr. Henze made a motion to adjourn the meeting at 5:05 PM MST. It was seconded by Mr. Coiner. Motion carried.

Mary Jo White, D.C., Chair

Kathleen Joann McKay, D.C.

Michael Troy Henze, D.C.

Charles H. Coiner

Tana Cory, Bureau Chief